

Serial No. 09/871,692

PATENT
Page 1 of 1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Paul Grems DUNCAN et al.	Docket No.: 37724.012200
Serial No.: 09/871,692	Art Unit: 2878
Filing Date: June 4, 2001	Examiner: Kevin K. PYO
Title: Fiber Optic System and Method for Measuring the Pressure of Media	

Via Facsimile Transmission

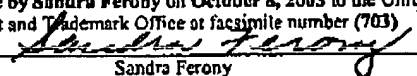
Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22315-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

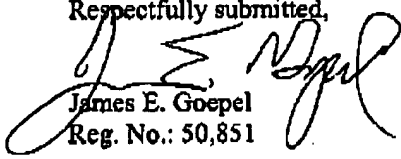
I hereby certify that this paper (1 pages total) is being transmitted via facsimile by Sandra Ferony on October 8, 2003 to the United States Patent and Trademark Office at facsimile number (703) 872-9318


Sandra FeronyRESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action mailed May 8, 2003. The Examiner relies primarily upon U.S. Patent No. 6,496,265 filed February 15, 2001, in rejecting Claims 1-5, 7, 9, and 12 under 35 U.S.C. §102(e) and Claims 6, 8, 10, and 11 under 35 U.S.C. §103(a). As the Examiner points out in paragraph 1 of the Office Action, 35 U.S.C. §102(e) states in pertinent part that "A person shall be entitled to a patent unless... (e) the invention was described in... (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent...". As indicated on page 2 of the instant application, Applicants claim priority to U.S. Provisional Patent Application Serial No. 60/208,564, filed June 2, 2000 and rely on the filing date thereof. Applicants assert that the filing of a Provisional Patent Application on June 2, 2000 is per se evidence of Applicants' conception of the claimed invention before the February 15, 2001 filing date for U.S. Patent No. 6,496,265, and that therefore U.S. Patent No. 6,496,265 is not proper prior art to the instant application under 35 U.S.C. §102(e) or 35 U.S.C. §103(a). Having rendered the Examiner's arguments moot, Applicants respectfully request the Claims 1-12, as pending in the instant application, be allowed.

Respectfully submitted,


James E. Goepel
Reg. No.: 50,851

Greenberg Traurig
1750 Tysons Boulevard, 12th Floor
McLean, Virginia 22102
703-749-1330
October 8, 2003
JEG/SLF

RECEIVED
CENTRAL FAX CENTER

OCT 09 2003

OFFICIAL